

RECORDS MANAGEMENT COMMITTEE
City Manager's Conference Room, Eighth Floor
400 Stewart Avenue, Las Vegas, Nevada
CITY OF LAS VEGAS INTERNET ADDRESS: <http://www.ci.las-vegas.nv.us>

February 23, 2001
3:30 p.m.

CALL TO ORDER: City Clerk Ronemus called the meeting to order at 3:33p.m.

ATTENDANCE: Barbara Jo (Roni) Ronemus, City Clerk
Doug Selby, Deputy City Manager
Radford Snelding, City Auditor (Excused)
John Redlein, Assistant City Attorney
Mark Vincent, Director, Finance and Business Services
Joseph Marcella, Director, Information Technologies
Richard Goecke, Director, Public Works
Sharon Kuhns, Records Administrator
Deeny Araujo, Deputy City Clerk

ANNOUNCEMENT MADE RE COMPLIANCE WITH THE OPEN MEETING LAW - Meeting noticed and posted at the following locations:

Downtown Transportation Center, City Clerk's Board
Senior Citizens Center, 450 E. Bonanza Road
Clark County Government Center, 500 S. Grand Central Pkwy
Court Clerk's Bulletin Board, City Hall
City Hall Plaza, Posting Board

(3:33)

1-2

BUSINESS:

A. APPROVAL OF FINAL MINUTES BY REFERENCE OF THE RECORDS MANAGEMENT COMMITTEE MEETING OF FEBRUARY 2, 2001

GOEKE - Motion to APPROVE - VINCENT - seconded the motion – UNANIMOUS with Snelding, Redlein, and Marcella excused

(3:34)

1-21

B. DISCUSSION AND POSSIBLE ACTION ON DEPARTMENT DIRECTORS PRESENTING THEIR DEPARTMENTAL FEE STRUCTURE FOR DUPLICATION OF PUBLIC RECORDS BEFORE THE RECORDS MANAGEMENT COMMITTEE.

Chair Ronemus summarized the results of the previous Records Management Committee meeting relative to the revised Public Records Access Procedures that were presented in draft form. She stated that no formal motion was taken on this, and asked if there was a general consensus of agreement. Mr. Goeke stated that he understood Chair Ronemus would make a

presentation at the City Manager's Management Meeting and preferred to reserve his decisions based upon the outcome of that meeting.

Chair Ronemus acknowledged her intent to present this item to the City Manager once final deliberation and approval have been attained. One issue needing clarification deals specifically with the section that addresses the opportunity for directors to make changes to the terms of the Resolution and/or their preference for an alternate fee schedule. If so, do they need to come before the Records Management Committee?

Mr. Vincent stated that he appreciated Assistant City Attorney Redlein's clarification of what is public and what is not public record and said that maybe something he is thinking about in terms of charging a fee for, is really not a public record request. As an example, he referred to budget brief books, comprehensive annual financial reports, and budget submissions. About a hundred copies of these such publications are printed up, potentially for the public and for exchanging with other entities.

Chair Ronemus questioned if that would be part of an alternate fee schedule. Mr. Vincent said he did not think so because as a matter of course, printing a hundred copies of a publication and making it available for distribution differentiates from someone coming in and making a request for a public record.

Deputy City Manager Selby stated that the language that was discussed does not include books, pamphlets or documents published in advance for distribution and for which the City has established a price list. In comparison, he alluded to bid documents, which would not need to be brought before the Records Management Committee.

Mr. Vincent stated that in terms of what was added to the procedures, for those directors who want alternate fee schedules, that's fine, but the idea was to have people come to this Committee and this Committee would make a decision as opposed to going to the City Council.

Mr. Goeke surmised that at the last meeting, the exchange of public documents with other governmental agencies was discussed, but he questions at what point or on what occasion might you want to be exempt from this? i.e. calming an irate citizen. He would like to hear some of the discussions that the directors have on where they might be coming from with respect to exceptions. He cited a situation where he knows for a fact that copies of records were provided by Legal and Public Works. The intent – to keep the citizen calm.

Chair Ronemus affirmed that the fee schedule was amended as discussed in the last meeting and it did indicate public record copying costs be waived for government requestors who in turn waived copying costs to the City.

Deputy City Manager Selby stated that NRS. dictates that procedures be posted. In retrospect, the Records Management Committee preferred not to put directors in a position whereby people would insist on seeing the director and basically know that director could give away anything if he wanted to. Mr. Vincent agreed that directors should be able to use their discretion in certain situations, yet he doesn't see it necessary to put it in writing. By deviating

from set fee schedules, they assume the risks associated with that decision. The City Manager holds directors accountable, but it's not something you would want written as a procedure.

Chair Ronemus asked the members if they agreed that if an alternate fee schedule is used aside from the customary \$1 fee per page, it must come before the Records Management Committee for a decision. Because it's currently in the procedures, if it will not be so, that document is not what should be distributed to all the directors for their thoughts.

Upon arriving for the meeting, Assistant City Attorney Redlein was asked by Mr. Vincent to reaffirm the discussion regarding directors being able to use their discretion and the City Manager holding them accountable for exercising that discretion, as well as not having to post this as a directive. Assistant City Attorney Redlein agreed.

Assistant City Attorney Redlein stated that there should be something that addresses press requests, where it becomes an automatic no-fee deal and although there are differences in opinions, there might occur an instance when a reporter is being aggressive, and someone from the PIO provides him with documents, this could possibly result in a bad story becoming a good story.

Mr. Vincent explained that what is being asked is procedural clarification to address charging a different fee (not exercising discretion per se), due to the cost of reproducing a document that is non-standard. If a director feels this warrants a different price, this request must then be submitted to the Records Management Committee and not have to go to City Council.

Chair Ronemus explained that the line item says that directors must present their fee structure for duplication if it is an alternate change from the published schedule contained in the Resolution. Therefore any deviation from the standard \$1 charged per page must come before the Records Management Committee. Chair Ronemus further affirmed that a motion to accept the final draft procedures was made and carried during the previous RMC meeting of February 2, 2001.

GOEKE – Motion to APPROVE Department Directors' submission of their departmental fee structures for duplication of public records before the Records Management Committee – SELBY – seconded the motion – UNANIMOUS with Snelding excused

(3:34 – 3:54)

1-38

C. DISCUSSION AND POSSIBLE ACTION ON RECORDS MANAGEMENT COMMITTEE METHOD FOR PRESENTATION OF DRAFT RESOLUTION AND PUBLIC RECORDS ACCESS PROCEDURE FOR FINAL APPROVAL.

Chair Ronemus stated that this is the item that will generate comments that will be brought back to the Records Management Committee and reviewed. She called attention to the email message received and responded to regarding the draft policy procedure and resolution going out to the department directors. She thought it would be good to note that if a reciprocal

agreement is arranged, governmental entities are not charged. Fees for departmental publications are established by the director, who in turn does an inventory and provides a list of those publications and charges. Chair Ronemus suggested, if all Committee members are comfortable, that this list be maintained in the Clerk's Office, by the Records Administrator.

Chair Ronemus mentioned that determinations by the directors regarding an alternate fee schedule departure from the Resolution must come before the Records Management Committee. Having a letter from each department director would confirm the intent to follow the Resolution. Deputy City Manager Selby stated that the directors will need adequate time to read the procedures.

Chair Ronemus confirmed that the information will be forwarded to the directors on February 26th and should be returned to her by March 7th, allowing Ms. Kuhns ample time to compile the results and ready it for the March 16th Records Management Committee meeting review. Once the directors' input is assembled, it will be forwarded on March 27th to the City Manager for further review and revision and due back by March 30th. The Records Management Committee will meet on April 6th. Upon final revision and followup with the CMIR, it will be forwarded to City Council on May 2nd.

Deputy City Manager Selby informed that per contract, any and all revisions to procedures must be forwarded to the CEA for review and/or input if applicable. Ms. Kuhns asked if the Resolution needed to be approved by Legal, but Assistant City Attorney said that he had read it and all seems in order and to consider it approved. Chair Ronemus added that at present everything is in draft form until such time as the comments are received and can be incorporated into final

Ms. Kuhns wanted assurance that all Records delegates were properly trained to use the newly adopted procedures as well as know full well what their responsibilities were.

At the Executive Committee meeting on Monday, February 26th, the documents will be distributed.

There was no further discussion.

There was a motion made as to setting the timeline for directors' reviews to next week, with feedback on their observations in preparation for presentation to City Council.

REDLEIN – Motion to APPROVE – SELBY seconded the motion – UNANIMOUS with Snelding excused.

(3:54 – 3:57)

1-654

D. INFORMATIONAL MATTERS FOR FUTURE RECORDS MANAGEMENT COMMITTEE AGENCIES.

Chair Ronemus suggested all committee members brush up on the retention schedules that were submitted, although they may have to be resubmitted to be in accordance with the umbrella process established by the Records Management Committee.

Assistant City Attorney Redlein proposed a topic he would like to see on the Records Management Committee agenda, but stressed the importance of wording this discreetly. He related to a previous request by a Review Journal reporter for information contained in the Confidential Folders. His response was that the reporter needed to visit Metro because based on the criteria he uses, this does not fit the definition of documents generated and maintained in the normal course of conducting government business.

Chair Ronemus asked how he would like it worded on the agenda. Assistant City Attorney Redlein responded by saying it should probably say consideration of public meeting law statute upon public records designation, meaning does the public meeting law make something that we occasionally handle a public record item?

Mr. Marcella indicated that additional research needs to be conducted before this item is put on the Records Management Committee agenda. For clarification, Assistant City Attorney Redlein commented that the City Clerk's office is responsible for returning the Confidential Books to Metro; however, if it became public material, even though they weren't public record, if a copy were made and retained, would this be considered public record?

There was no further discussion.

(3:57 – 4:02)

1-921

CITIZENS PARTICIPATION:

None.

ADJOURNMENT:

VINCENT – Motion to ADJOURN – MARCELLA – second the motion – UNANIMOUS with Snelding excused.

The meeting adjourned at 4:02 p.m. **(1-938)**

/da